

**United States District Court
Western District of Michigan (Southern Division (1))
CIVIL DOCKET FOR CASE #: 1:18-cv-01156-JTN-ESC**

Varnum LLP v. United States Department of Labor
Assigned to: Judge Janet T. Neff
Referred to: Magistrate Judge Ellen S. Carmody
Cause: 05:552 Freedom of Information Act

Date Filed: 10/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

plaintiff

Varnum LLP

represented by **Aaron M. Phelps**
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ATTORNEY TO BE NOTICED

V.

defendant

United States Department of Labor

represented by **Carolyn Ann Almassian**
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intervenor

**Blue Cross Blue Shield of Michigan Mutual
Insurance Co.**

represented by **Andrew J. Clopton**

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| Date Filed | # | Docket Text |
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| 10/09/2018 | <u>1</u> | COMPLAINT <i>for Declaratory and Injunctive Relief</i> against United States Department of Labor filed by Varnum LLP (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6) (Phelps, Aaron) (Entered: 10/09/2018) |
| 10/09/2018 | | FILING FEE PAID re <u>1</u> by plaintiff Varnum LLP in the amount of \$400, receipt number 0646-4258616 (Phelps, Aaron) (Entered: 10/09/2018) |
| 10/11/2018 | <u>2</u> | NOTICE that this case has been assigned Janet T. Neff ; with NOTICE OF DEFICIENCY re corporate disclosure statement (ems) (Entered: 10/11/2018) |
| 10/11/2018 | | SUMMONS NOT ISSUED as to defendant United States Department of Labor (<i>none provided; please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i>) (ems) (Entered: 10/11/2018) |
| 10/11/2018 | <u>3</u> | PROPOSED SUMMONS to be issued re <u>1</u> (Phelps, Aaron) (Entered: 10/11/2018) |
| 10/11/2018 | <u>4</u> | CORPORATE DISCLOSURE STATEMENT by Varnum LLP (Phelps, Aaron) (Entered: 10/11/2018) |
| 10/12/2018 | | SUMMONS NOT ISSUED as to defendant United States Department of Labor ; <i>please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i> (pjw) (Entered: 10/12/2018) |
| 10/12/2018 | <u>5</u> | PROPOSED SUMMONS to be issued re <u>1</u> (Phelps, Aaron) (Entered: 10/12/2018) |
| 10/15/2018 | <u>6</u> | SUMMONS ISSUED as to defendant United States Department of Labor, U.S. Attorney and U.S. Attorney General (ems) (Entered: 10/15/2018) |
| 11/15/2018 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Carolyn Ann Almassian on behalf of defendant United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018) |
| 11/15/2018 | <u>7</u> | ANSWER to complaint, <u>1</u> with affirmative defenses by United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018) |

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| 11/15/2018 | 8 | ORDER setting Rule 16 scheduling conference: Rule 16 scheduling conference is set for 1/2/2019 at 11:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 12/26/2018; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/15/2018) |
| 11/19/2018 | 9 | UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit 1) (O'Reilly, Arthur) (Entered: 11/19/2018) |
| 11/19/2018 | 10 | BRIEF in support of UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. 9 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018) |
| 11/19/2018 | 11 | CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. 9 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018) |
| 11/20/2018 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Andrew J. Clopton on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Clopton, Andrew) (Entered: 11/20/2018) |
| 11/20/2018 | 12 | ORDER granting 9 unopposed motion for intervention; Blue Cross Blue Shield of Michigan Mutual Insurance Company, shall no later than 11/27/2018, file an answer consistent with the proposed answer; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/20/2018) |
| 11/21/2018 | 13 | REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> (Phelps, Aaron) (Entered: 11/21/2018) |
| 11/21/2018 | 14 | ANSWER to complaint, 1 with affirmative defenses by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/21/2018) |
| 11/21/2018 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of C. Kevin Marshall on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 11/21/2018) |
| 11/26/2018 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Rebecca D'Arcy O'Reilly on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Rebecca) (Entered: 11/26/2018) |
| 11/27/2018 | 15 | RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> 13 and Defendant United States Department of Labor's Pre-Motion Conference Request and Response to Plaintiff's Pre-Motion Conference Request; filed by United States Department of Labor (Almassian, Carolyn) Modified text on 11/29/2018 (ems). (Entered: 11/27/2018) |
| 11/28/2018 | 16 | RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> 13 ; filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/28/2018) |
| 12/04/2018 | 17 | ORDER scheduling a pre-motion conference regarding document number 13 : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018) |
| 12/04/2018 | 18 | ORDER rescheduling Rule 16 conference: Rule 16 scheduling conference rescheduled to 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 1/2/2019; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018) |
| 12/04/2018 | 19 | RESPONSE TO 15 <i>United States Department of Labor's Pre-Motion Conference Request</i> filed by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 12/04/2018) |
| 12/13/2018 | 20 | REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> (O'Reilly, Arthur) (Entered: 12/13/2018) |
| 12/14/2018 | 21 | RESPONSE TO REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> 20 and Department of Labor Pre-Motion Conference Request 15 ; filed by Varnum LLP (Phelps, Aaron) Modified text on 12/14/2018 (ems). (Entered: 12/14/2018) |
| 12/17/2018 | 22 | ORDER scheduling a pre-motion conference regarding document number 20 : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/17/2018) |

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| 01/02/2019 | 23 | JOINT STATUS REPORT (Phelps, Aaron) (Entered: 01/02/2019) |
| 01/09/2019 | 24 | MOTION to stay by defendant United States Department of Labor; (Almassian, Carolyn) (Entered: 01/09/2019) |
| 01/09/2019 | 25 | CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay 24 filed by United States Department of Labor (Almassian, Carolyn) (Entered: 01/09/2019) |
| 01/09/2019 | 26 | ORDER granting to an extent 24 motion to stay; notice cancelling today's proceedings to issue; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 01/09/2019) |
| 01/09/2019 | 27 | NOTICE cancelling today's Rule 16 scheduling conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019) |
| 01/09/2019 | 28 | NOTICE cancelling today's pre-motion conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019) |
| 02/01/2019 | 29 | UNOPPOSED MOTION for order <i>To Lift Stay</i> by defendant United States Department of Labor; (Attachments: # 1 Proposed Order to Lift Stay) (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019) |
| 02/01/2019 | 30 | CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for order <i>To Lift Stay</i> 29 filed by United States Department of Labor (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019) |
| 02/20/2019 | 31 | ORDER granting 29 motion to lift stay; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 02/20/2019) |
| 02/20/2019 | 32 | MOTION to stay <i>proceedings</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit A) (Marshall, C.) (Entered: 02/20/2019) |
| 02/20/2019 | 33 | BRIEF in support of MOTION to stay <i>proceedings</i> 32 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019) |
| 02/20/2019 | 34 | CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay <i>proceedings</i> 32 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019) |
| 03/01/2019 | 35 | NOTICE re 32 of <i>Supplemental Authority</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Attachments: # 1 Exhibit A) (Marshall, C.) (Entered: 03/01/2019) |